

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

	:	
In re	:	Chapter 11
	:	
KAISER GYPSUM COMPANY, INC., <i>et al.</i> , ¹	:	Case No. 16-31602 (JCW)
	:	
Debtors.	:	(Jointly Administered)
	:	

**NOTICE OF PROPOSED AGENDA OF
MATTERS SCHEDULED FOR HEARING ON
MONDAY, JULY 20, 2020, AT 9:30 A.M.²**

CONTESTED MATTERS GOING FORWARD

1. Third Amended Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. [Docket No. 1868] (as modified and supplemented by Docket Nos. 2027, 2304 and 2342)

a. Related Pleadings:

i. Disclosure Statement for Third Amended Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. [Docket No. 1869]

ii. Order (I) Approving the Debtors' Disclosure Statement, (II) Establishing Procedures for the Solicitation and Tabulation of Votes to Accept or Reject Proposed Joint Plan of Reorganization and (III) Scheduling a Hearing on Proposed Joint Plan of Reorganization and Approving Related Notice Procedures [Docket No. 1875]

iii. Notice of Filing of Exhibits to Third Amended Joint Plan of Reorganization [Docket No. 2027]

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): Kaiser Gypsum Company, Inc. (0188) and Hanson Permanente Cement, Inc. (7313). The Debtors' address is 300 E. John Carpenter Freeway, Irving, Texas 75062.

² The hearing is scheduled to continue from day to day, as necessary, from July 20 through July 24, 2020. The hearing will begin at 9:30 prevailing Eastern Time, unless otherwise stated during the hearing.

iv. Objection of Certain Underwriters at Lloyd's, London, Certain London Market Companies, Columbia Casualty Company, National Fire Insurance Company of Hartford, and the Continental Insurance Company (Collectively, "Certain Insurers") to the Third Amended Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. [Docket No. 2066]. **This Objection has been resolved. See Docket No. 2304**

v. Objections of The Insurance Company for the State of Pennsylvania, Granite State Insurance Company and Lexington Insurance Company to Confirmation of the Debtors' Chapter 11 Plan and Partial Joinder in Objections [Docket No. 2067] **This Objection has been resolved. See Docket No. 2304**

vi. Objection of TIG Insurance Company (Formerly Known as Transamerica Insurance Company and as Successor by Merger to International Insurance Company), and Associated International Insurance Company to Third Amended Plan of Reorganization of Kaiser Gypsum Company and Hanson Permanente Cement, Inc. [Docket No. 2069] **This Objection has been resolved. See Docket No. 2304**

vii. Objection of Truck Insurance Exchange to Confirmation of the Third Amended Joint Plan of Reorganization [Docket No. 2070]

viii. Joinder by Allstate Insurance Company to Objections of Certain Excess Insurers to Third Amended Joint Plan of Reorganization [Docket No. 2071] **This Objection has been resolved. See Docket No. 2304**

ix. Notice of Filing of Exhibits to Objection by Truck Insurance Exchange to Confirmation of the Third Amended Joint Plan of Organization Docket No. 2072]

x. The First State Companies' Objections to Confirmation of Third Amended Plan of Reorganization of Kaiser Gypsum Company and Hanson Permanente Cement, Inc. [Docket No. 2073] **This Objection has been resolved. See Docket No. 2304]**

xi. Objections of Allianz, Fireman's Fund, and Westchester Fire to Confirmation of the Third Amended Joint Plan of Reorganization [Docket No. 2075] **This Objection has been resolved. See Docket No. 2304**

xii. Limited Objection of the Official Committee of Unsecured Creditors to Confirmation of Third Amended Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. [Docket No. 2076]

xiii. Declaration of Kevin O'Neal Holdeman, CPA, in Support of Confirmation of Third Amended Joint Plan of Reorganization [Docket No. 2145]

xiv. Notice of Continuance of Confirmation Hearing and Other Matters Set for March 30, 2020 [Docket No. 2168]

- xv. Joint Omnibus Reply of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative in Response to Objections to the Third Amended Joint Plan of Reorganization [Docket No. 2274]
- xvi. Debtors' Memorandum of Law in Support of Confirmation of the Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. [Docket No. 2275]
- xvii. Notice of Filing of Redline Version of Third Amended Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. Reflecting Settlement Reached with Certain Excess Insurance Carriers [Docket No. 2304]
- xviii. Declaration of Lawrence Fitzpatrick in Support of Confirmation of Third Amended Joint Plan of Reorganization of Kaiser Gypsum Company, Inc. and Hanson Permanente Cement, Inc. [Docket No. 2336]
- xix. Testimonial Declaration of Truck Insurance Exchange Witness Charles E. Bates [Docket No. 2337]
- xx. Testimonial Declaration of Truck Insurance Exchange Witness Lester Brickman [Docket No. 2338]
- xxi. Testimonial Declaration of Truck Insurance Exchange Witness Scott R. Hoyt [Docket No. 2339]
- xxii. Testimonial Declaration of Truck Insurance Exchange Witness David L. Neale [Docket No. 2340]
- xxiii. Notice of Filing of Declarations in Support of Third Amended Joint Plan of Reorganization [Docket Nos. 2341, 2343, 2344 and 2345]
- xxiv. Debtor's Motion for an Order Approving Non-Material Modifications to the Joint Plan of Reorganization [Docket No. 2342]
- xxv. Order Establishing Procedures for Remote Hearing on Confirmation of Joint Plan of Reorganization and Related Proceedings [Docket No. 2356]
- xxvi. Consolidated Response of Truck Insurance Exchange to the Briefs in Support of Confirmation Filed by Plan Proponents [Docket No. 2359]
- xxvii. Notice of Joint Deposition Designations [Docket No. 2370]
- xxviii. Notice of Joint Stipulated List of Exhibits and Other Confirmation-Related Documents [Docket No. 2371]
- xxix. Joint Reply of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative in Response to Truck's

Consolidated Response to Plan Proponents' Confirmation Briefs [Docket No. 2376]

xxx. Debtors' Reply to Consolidated Response of Truck Insurance Exchange [Docket No. 2377]

xxxi. Notice of Amended Joint Stipulated List of Exhibits and Other Confirmation-Related Documents [Docket No. 2381]

b. Objection Deadline: Various.

c. Status: The hearing on confirmation of the Plan is going forward. Objections that have been resolved are noted beside each objection. This Agenda will be updated before the hearing on confirmation of the Plan to note updated status of objections.

2. Motion in *Limine* of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to Exclude Certain Proposed Expert Testimony [Docket No 2090]

a. Related Pleadings:

i. *Ex Parte* Motion to Shorten Notice [Docket No. 2093]

ii. Order Granting Motion to Shorten Notice [Docket No. 2103]

iii. Response in Opposition to Motion in *Limine* of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to Exclude Certain Proposed Expert Testimony [Docket No. 2125]

b. Objection Deadline: March 9, 2020.

c. Status: Motion was denied without prejudice to re-asserting objections at the conclusion of the Confirmation Hearing.

3. Motion in *Limine* of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to Exclude Improper Opinion Testimony [Docket No. 2360]

a. Related Pleadings:

i. Motion to Shorten Notice [Docket No. 2361]

ii. Order Shortening Notice [Docket No. 2362]

b. Objection Deadline: None stated.

- c. Status: Motion was denied without prejudice to re-asserting objections at the conclusion of the Confirmation Hearing.

RESOLVED MATTERS

3. Motion to Dismiss Bankruptcy Case for Lack of Good Faith, Objectively Futile, Failed to Serve a Valid Bankruptcy Purpose, and For Cause Under 1112(b)(4) [Docket No. 919] **This Motion has been resolved. See Docket No. 2304**
4. Motion in *Limine* of the Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative to Exclude the Expert Testimony of Charles H. Mullin [Docket No. 2091] **This Motion has been resolved. See Docket No. 2304**
5. Debtors' Motion in *Limine* to Exclude the Expert Opinion and Testimony of Matthew W. Smith in Support of First State's Objection to the Joint Plan [Docket No. 2098] **This Motion has been resolved. See Docket No. 2304**
6. The Official Committee of Asbestos Personal Injury Claimants and the Future Claimants' Representative's Motion in *Limine* to Exclude Improper Opinion Testimony Offered by the Excess Insurance Companies [Docket No. 2106] **This Motion has been resolved. See Docket No. 2304**

UNCONTESTED MATTERS

7. Debtors Motion for an Order Approving Settlement with Associated International Insurance Company and TIG Insurance Company [Docket No. 2136]

Virtual Hearing Instructions: In response to the COVID-19 pandemic, the hearing will be held via video conference and telephone conference using ZoomGov.com. All parties who intend to appear by ZoomGov.com (either by video or telephonically) should contact Ursula Hamilton at ursula_c_hamilton@ncwb.uscourts.gov for the needed link, codes and dial-in information. Parties who plan to speak via ZoomGov.com should plan to wear headphones to prevent feedback.

This, the 17th day of July, 2020.

RAYBURN COOPER & DURHAM, P.A.

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